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UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD DIVISION OF JUDGES

MV PUBLIC TRANSPORTATION, INC.

and Case 29-CA-29530

29-CA-29760

JOHN D. RUSSELL, AN INDIVIDUAL

and Case 29-CA-29544

LOCAL 1181-1061, AMALGAMATED TRANSIT UNION, AFL-CIO

and

ERIC BAUMWOLL, AN INDIVIDUAL Case 29–CA–29619

and

LOCAL 707, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Party to the Contract

and Case 29-CB-13981

JOHN D. RUSSELL, AN INDIVIDUAL

ERRATA

The decision in the above-captioned case, which issued on June 7, 2009, is hereby corrected as follows:

Page 22, Line 9: Delete "has" and insert "and Local 707 have"

Line 10: Change "it" to "they"

Line 14: After "Company" insert "and Local 707"

Change "it" to "their"

After "employees" insert "and members"

Line 17: After "Company" insert "and Local 707 be ordered jointly and severally to" Change "it" to "their"

After "employees" insert "and members"

Line 21: At the end of the sentence, insert "However, reimbursement shall not extend to those employees who voluntarily joined and became members of Local 707 prior to September 12."

Line 28: At the beginning of the first paragraph of the Order, insert "A."

Page 23, Line 33: Change "Appendix" to "Appendix A."

JD-34-10

Page 24, Line 5: Insert after paragraph (e) the following text:

B. The Respondent, Local 707, International Brotherhood of Teamsters, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Accepting recognition from, and executing a collective-bargaining agreement with the Company at a time when the Company does not employ a representative number of its ultimate complement of unit employees and before it is engaged in its normal business operation.
- (b) Giving effect to the September 12, 2008 collective-bargaining agreement between the Company and Local 707, or to any extension, renewal, or modification thereof.
- (c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act, except to the extent that such rights may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3) of the Act..
- 2. Take the following affirmative action necessary to effectuate the policies of the Act.
- (a) Jointly and severally with the Company reimburse, with interest as provided in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), all present and former members for all initiation fees, dues and other moneys paid by them or withheld from them pursuant to the terms of dues checkoff and union-security provisions of the September 12, 2008 collective-bargaining agreement between the Company and Local 707. However, reimbursement shall not extend to those employees who voluntarily joined and became members of Local 707 prior to September 12.
- (b) Post at its Staten Island, New York business office and other places where notices to members are customarily posted, copies of the attached notice marked "Appendix B." Copies of the notice, on forms provided by the Regional Director for Region 29, after being signed by an authorized member of Local 707, shall be posted immediately upon receipt and maintained for 60 consecutive days in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Union to ensure that the notices are not altered, defaced, or covered by any other material.
- (e) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Union has taken to comply.

¹ If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Page 25, Line 1: Change "Appendix" to "Appendix A"

Page 27, Line 1: After "Appendix A," insert the following:

APPENDIX B

NOTICE TO MEMBERS
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union. Choose representatives to bargain on your behalf with your employer.

Act together with other employees for your benefit and protection.

Choose not to engage in any of these protected activities.

WE WILL NOT act as the exclusive bargaining representative of any employees of MV Public Transportation, Inc. unless and until we have demonstrated our majority status and have been certified by the Board.

WE WILL NOT maintain or give effect to the September 12, 2008 contract between MV Public Transportation, Inc. and us or to any renewal, extension or modification thereof.

WE WILL NOT in any like or related manner restrain or coerce the employees of MV Public Transportation, Inc. in the exercise of the rights guaranteed them by Section 7 of the Act, except to the extent such rights may be affected by an agreement authorized in Section 8(a)(3) of the Act.

WE WILL, jointly and severally with MV Public Transportation, Inc., reimburse, with interest, all present and former employees of MV Public Transportation, Inc. for all initiation fees and dues paid by them or withheld from them pursuant to the terms of dues-checkoff and union-security provisions in the September 12, 2008 contract. However, reimbursement will not extend to those employees who voluntarily joined Local 707 prior to September 12, 2008.

		LOCAL 707, INTERNATIONAL BROTHERHOOD OF TEAMSTERS		
		(Labor Organiza	tion)	
Dated	By			
		(Representative)	(Title)	

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov.

One MetroTech Center (North), Jay Street and Myrtle Avenue, 10th Floor Brooklyn, New York 11201-4201
Hours: 9 a.m. to 5:30 p.m.
718-330-7713.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, 718-330-2862.

Dated, Washington, D.C.	June 14, 2010		
		Michael A. Rosas	
		Administrative Law Judge	